To whom it may concern,

>From what I have read in the press related Internet-based coverage, I must express my concerns that the negotiated agreement between the Department of Justice (which hopefully represents me, an American citizen) and Microsoft regarding the ongoing anti-trust case falls woefully short of providing any real benefit or relief to me, an individual consumer, nor to me as an employee of a technology company that competes with Microsoft.

Microsoft has been ruled a monopoly which abused its position to further its goals in other related markets. This, to my understanding, is illegal. However, there appears to be no consequences of these actions. A promise to not break the law for five years (with regards to pricing and requiring hardware manufactures to install Microsoft products) hardly sounds like a punishment.

Microsoft has repeatedly stated that they would not "give up their RIGHT to innovate" throughout this case. This is a great marketing catch-phrase that any technology company could use. However, Microsoft has a relatively weak track record when it comes to "innovation." The notion that "integrating" a product into the core Windows operating system is the same as "innovation" is a subtle but important mis-statement made by Microsoft. Nobody would suggest that Microsoft stop improving their products (ask anybody who runs a Windows-based machine and has encountered the "blue screen of death" if they would appreciate Microsoft improving their products).

My concern is that I do not see how this agreement will curtail Microsoft's efforts to continue to "innovate" by "integration" in anti-competitive means. They have made the argument that their customers benefit by the "integration" of Internet Explorer into Windows. What is to prevent their making the following argument: Our customers will benefit by our providing Word Processing capabilities in our Windows operating system. In fact, our customers would also benefit from the "integration" of a spread sheet as well as a presentation package into our Windows operating system. So, from now on, all copies of Windows will be "integrated" with what was once known as "Office". And, this is because our customers will benefit from this. Now, this is not likely to happen simply because Microsoft makes so much money off of the Office product line. But they are doing this exact type of thing with their "Passport" technology.

What is to prevent Microsoft from doing what they have done all along

and watch the industry, and when a truly innovative concept comes along (almost always from a relatively small company), Micosoft announces that they intend to "integrate" that type of technology into Windows? This type of "innovation" by "integration" needs to be addressed.

My final area of concern is Microsoft's history of furthering their monopoly by a policy of selective exclusion, usually made under the guise of "providing the best user experience possible for our customers." An example of this type of behavior is Microsoft's treatment of the Java platform and programming language. Rather than support Java in an inter-operable and industry-friendly manner, Microsoft chose to "pollute" Java in ways that allowed it to only operate on Windows-based machines.   For the most part, Microsoft's java implementation was one of the better ones on the market at the time. So, it is clear that Microsoft can produce a quality product.   They could have chosen to fully support Java, and then provide separate Windows-specific "enhancements" to Java. For reasons left to other to argue, they choose to disrupt technology that they cannot make proprietary.

The current release of Windows XP has caused some concern regarding the Passport technology "integrated" into it. If one assumes that this is an "innovative" idea that will benefit the customer (now who the customer is may be up to debate - is it me, the individual, or the Internet-based business, like Amazon.com?),then why exactly does the technology only exist on Windows-XP? Why is this "Passport" technology not also available on the Macintosh platform? Microsoft does develop some software for this non-Windows-based platfrom (Office and surprsigingly the "cannot be removed without breaking Windows" Internet Explorer). Why is this technology not available on any UNIX-based or other non-Windows-based platforms? A good idea that benefits customers should be made available to customers, without requiring the customer to change platforms. There is nothing fundamentally "operating system-specific" in the idea of "single sign on" technology. The fact that the client machines (a Windows XP) machine will comunicate with the authentication server(s) over the Internet dramatically weakens any notion that the client (or the server for that matter) necessarily be a Windows-based machine, and by inference that this is in any way a piece of technology that need be "integrated" into the operating system. The ability to read and write to a hard drive or CD ROM on the local desktop are clearly areas where "integration" into the operating system makes sense. But when you are talking about electronic communication (whether it be low-level authentication services or higher level web-browsing or MP3-playing), it can be more correctly identified as either a seriously poor engineering design or a ploy to leverage the Windows market share into dominating other markets, such as authentication, web browsing, MP-3 playing or other such markets.

In short, I wish to express my concerns again that the current agreement

does not appear to provide any benefit nor releif from past abuses by Microsoft, current efforts by Microsoft to leverage the dominance of Windows (see my concerns about the Passport technology), nor any means of preventing future abuses of the "innovation by integration" arguement made by Microsoft.

Thank you,
Eugene Anaya